

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

February 18, 2010

DIVISION ONE

B221036      Salazar      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

THE COURT:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its November 20, 2009 order, denying the motion for the appointment of an eyewitness expert at the expense of Los Angeles County, and to issue a new and different order granting same, in Los Angeles Superior Court case No. NA082926, entitled The People v. Jessica Salazar.

Mallano, P.J.

Chaney, J.

Johnson, J.

B221166      Clarke      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

THE COURT:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of December 11, 2009, denying petitioner's motion for appointment of expert pathologist Barry F. Silverman, M.D., and expert obstetrician-gynecologist, Paul Sinkhorn, M.D., at County expense, and to issue a new and different order granting same, in Los Angeles Superior Court case No. MA035466, entitled People v. Daniel Ricardo Clarke.

Mallano, P.J.

Rothschild, J.

Chaney, J.

February 18, 2010 (Continued)

## DIVISION ONE (continued)

B213386      Kempton, et al.  
v.  
Clark

Filed order denying petition for rehearing.

B214420      People  
v.  
Blanco

Filed order denying petition for rehearing.

DIVISION TWO

[illegible]

The judgment is affirmed.

Chavez, J.

We concur:   Boren, P.J.  
                    Ashmann-Gerst, J.

B215557 People (Not for Publication)  
v.  
Callier

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

February 18, 2010 (Continued)

## DIVISION TWO (continued)

[illegible]

### The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B217452 People (Not for Publication)  
v.  
McCoy

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

B202865      Lee      (Not for Publication)  
v.  
City of Los Angeles, et al.

The judgment is reversed, and the remanded for a new trial limited to the issues over which the trial court has jurisdiction. Each side to bear their own costs

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

February 18, 2010 (Continued)

## DIVISION TWO (continued)

B214467      Auciello      (Not for Publication)  
v.  
Los Angeles Community College District

The judgment is affirmed. LACCD is awarded to its costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

DIVISION THREE

B210248      People      (Not for Publication)  
v.  
Ivett Ester Ayestas

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B211013      People                                  (Not for Publication)  
v.  
**Dezmon Terelle Brooks**

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

February 18, 2010 (Continued)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Willhite, Acting P.J., Suzukawa, J., Mallano, J. (Assigned) and S. Veverka, Deputy Clerk.

Each of the following:

B212576 People v. Collins  
B216551 DCFS v. Chontel R.  
B215098 Serio v. Serio

Argument waived, cause submitted.

B213122     Norcal Mutual Insurance Company  
                 v.  
                 Certain Underwriters at Lloyd's of London et al.

Merits:  
Argued by Kenneth R. Pedroza for appellant and by Steven C. Schwartz for respondents. Cause submitted.

Court recessed.

Court reconvened at 9:47 a.m.

Present: Epstein, P.J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

B220112     Zaffina  
                 v.  
                 Superior Court, Los Angeles County  
                 (Target Corporation, r.p.i.)

Merits:  
Argued by Dino M. Zaffina petitioner in propria persona and by Steven J. Renick for real party in interest. Cause submitted.

Court recessed.

DIVISION FOUR (continued)

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B211179 People v. Rojas  
B209299 People v. Wesley  
B217171 DCFS v. John C.

Argument waived, cause submitted.

B213571     People  
              v.  
              Gastelum

Merits:

Argued by Carol S. Boyk for appellant and by Dawn S. Mortazavi, Deputy Attorney General for respondent. Cause submitted.

B211391     Sasaki-Hayward  
              v.  
              Regents of the University of California, et al.

Merits:

Argued by Harris L. Cohen for appellant and by Christine Hoeffner for respondents. Cause submitted.

B211350     O'Connor, et al.  
              v.  
              Tesoro

Merits:

Argued by Leslie S. McAfee for appellants and by Wesley S. Wenig for respondent. Cause submitted.

## February 18, 2010 (Continued)

## DIVISION FOUR (continued)

B212366      People  
v.  
Lewis

Merits:

Argued by Ava R. Stralla for appellant and by Richard S. Moskowitz,  
Deputy Attorney General for respondent. Cause submitted.

B208440      Lockton  
v.

O'Rourke, et al.

B212435 Quinn, Emanuel, Urquhart, Oliver & Hedges, et al.  
v.  
Lockton

Merits:

Argued by Stephen W. Steelman for appellant Lockton, by Wendy Wen Yun Chang for respondents O'Rourke, et al., by Kent J. Bullard for respondents Quinn, Emanuel, Urquhart, Oliver & Hedges, et al., and by Roxanna A. Manuel for appellants Quinn, Emanuel, Urquhart, Oliver & Hedges, et al. Cause submitted.

Court adjourned.

## DIVISION FIVE

B214431 People (Not for Publication)  
v.  
Carlos Calderon

That portion of the judgment prohibiting contact with Juror No. 4 is reversed. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur:   Armstrong, Acting P.J.  
Mosk, J.

DIVISION FIVE (continued)

B208451      Chris Burton, et al.,                      (Not for Publication)  
                 v.  
                 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Turner, P.J.  
                 Mosk, J.

B210322      Delta Marketing, Inc., et al.,                      (Not for Publication)  
                 v.  
                 Takis Stathoulis

The judgments in favor of respondents and against Delta on both the complaint and cross-complaint are affirmed. The judgment against Jack Abi Fadel is reversed. Each party to bear its own costs on appeal.

Armstrong, Acting P.J.

We concur:    Mosk, J.  
                 Kriegler, J.

B219174      Young Seok Suh, et al.,                      (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (CHA Hollywood Medical Center, et al.,, r.p.i.)

The Petition for Writ of Mandate is granted. The demurrer is overruled. Respondent court shall set aside its order compelling arbitration and shall deny defendants' petition to compel arbitration. Plaintiffs are awarded their costs.

Mosk, J.

We concur:    Turner, P.J.  
                 Kriegler, J.



DIVISION FIVE (continued)

B210962      David Martin                      (Not for Publication)  
                 v.  
                 AAA Flag and Banner

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                 Kriegler, J.

B212528      Janice Sharp, et al.,                      (Not for Publication)  
                 v.  
                 Paul Anderson et al.,

The orders awarding attorney fees and costs to defendant6s are affirmed. Defendants, Paul Anderson, Elizabeth Anderson, the Alta San Rafael Association, Marilyn Buchanan, Charles Malouf, Ann Longyear and John Craig, are to recover their costs on appeal jointly and severally from plaintiffs Janice Sharp and Dane Hoiberg.

Turner, P.J.

We concur:    Armstrong, J.  
                 Kriegler, J.

B216183      Scratch DJ Game, Inc.,                      (Not for Publication)  
                 v.  
                 California 7 Studios, Inc.,

The May 12, 2009 preliminary order is affirmed. Plaintiff, Scratch DJ Game, is to recover its costs on appeal from defendant, California 7 Studios, Inc.

Turner, P.J.

I concur:        Armstrong, J.  
I dissent:        Mosk, J. (Opinion)

## DIVISION FIVE (continued)

B217579 People (Not for Publication)  
v.  
Michael Evans

The imposition of a Health and Safety Code section 11372.5, subdivision (a) criminal laboratory analysis fee is reversed. The judgment is modified to impose the following additional penalties, assessments and surcharge in connection with the \$390 Vehicle Code section 23554 fine: a \$390 state penalty (Pen. Code, 1464, subd. (a)(1)); a \$273 county penalty (Gov. Code, 76000, subd. (a)(1)); a \$78 county additional penalty for purposes of supporting emergency medical services (Gov. Code, 76000.5, sub. (a)(1)); a \$117 state court construction penalty (Gov. Code, 70372, subd. (a) (1) (the amount payable in Los Angeles County)); a \$39 deoxyribonucleic acid penalty (Gov. Code, 76104.6, subd. (a)(1)); a \$39 state-only deoxyribonucleic acid penalty (Gov. Code, 76104.7, subd. (a)); and a \$30 court facilities assessment (Gov. Code, 70371). The judgment is further modified to impose an additional \$20 court security court security fee under Penal Code section 1465.8, subdivision (a)(1). The judgment is affirmed in all other respects.

Turner, P.J.

We concur:   Armstrong, J.  
                          Kriegler, J.

## DIVISION SIX

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SIX (continued)

[illegible]

The matter is remanded to the trial court for resentencing on count 5. On remand, the court shall exercise its discretion to decide whether the indeterminate term of 15 years to life on count 5 shall run consecutively or concurrently to the determinate term of 35 years. In all other respects, the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B210083 People (Not for Publication)  
v.  
Barrios

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B217391 People v. Pak (Not for Publication)

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The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

B210963     People  
              v.  
              Healan

Filed order denying petition for rehearing.

DIVISION EIGHT

B213405     Elizabeth Dmini                    (Not for Publication)  
              v.  
              Ahmed Dmini

The judgment is affirmed.

Bigelow, P.J.

We concur:   Rubin, J.  
                  Flier, J.

B213126     Logix Development Corporation, et al., (Not for Publication)  
              v.  
              J. Roger Faherty

The amended judgment entered on February 3, 2009, is vacated and set aside. The case is remanded with directions to follow our directives in Logix Development Corporation v. Faherty, supra, B178872.

Flier, J.

We concur:   Rubin, Acting P.J.  
                  Lichtman, J. (Assigned)

B212297     Bedrossian  
              v.  
              California EDD

Filed order denying petition for rehearing.